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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,314	04/17/2001	George Blossom	47004.000075	5331

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EXAMINER

CHEUNG, MARY DA ZHI WANG

ART UNIT	PAPER NUMBER
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3694

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/835,314	Applicant(s) BLOSSOM, GEORGE	
	Examiner Mary Cheung	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 30-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 and 42-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/31/03; 4/9/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

1. Claims 1-45 are pending. Applicant's election of Group I (claims 1-29 and 42-45) in the reply filed on April 9, 2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). The restriction mailed on March 7, 2007 is final. Claims 30-41 are withdrawn from consideration.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27 recites the limitation "the user" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4-11 and 24-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al., US 5,590,197.

As to claim 1, Chen teaches a system for facilitating computerized transactions, the system comprising (Fig. 1):

- a) an optically encoded personal information carrier, the carrier comprising a card readable in an optical input/output device, the card comprising optically encoded personal information related to a user, the personal information including an account number (column 4 line 63 – column 5 line 34 and column 6 lines 12-32);
- b) a processing device comprising an optical input/output device for reading the optically encoded card, and a processor including browsing tools for allowing a user to view and select items and transaction tools for allowing a user to complete a transaction (column 4 lines 14-21, 46-50 and column 4 line 63 – column 5 line 5 and column 6 lines 12-32).

As to claim 4, Chen teaches the processing device further comprises network interface tools for interfacing the processing device with a plurality of product and service providers over a network (Fig. 1).

As to claim 5, Chen teaches means for accessing a database to verify credit information (column 4 lines 63-66 and column 6 lines 51-57).

As to claim 6, Chen teaches the carrier further comprises optically encoded security information (column 6 lines 12-27).

As to claim 7, Chen teaches the processing device comprises security tools for processing the security information (column 6 lines 28-57 and Fig. 1).

As to claim 8, Chen teaches the processing device comprises a product or service providers' point of sale terminal (column 4 lines 14-21 and column 6 lines 12-57 and Fig. 1).

As to claim 9, Chen teaches the processing device comprises a personal computer, a PDA, cell phone, or similar personal computing or communication device (column 4 lines 1-7 and Fig. 1).

As to claims 10 and 28, Chen teaches a securing mechanism on a side of the card in contact with the optical input/output device, the securing mechanism for securing the card in the optical input/output device (column 5 lines 20-34 and column 6 lines 21-27).

As to claims 11 and 29, Chen teaches an intermediate support assembly for supporting the card within the optical input/output device, the intermediate support assembly having a securing mechanism for attachment with the optical input/output device (column 5 lines 30-34 and column 6 lines 25-27).

As to claim 24, Chen teaches an optically encoded information carrier comprising (column 6 lines 12-19):

- a) a card readable in a processing device (column 5 lines 30-34);
- b) optically encoded information on the card comprising installation and/or execution software, security software, and browsing tools and/or transaction tools (column 4 line 63 – column 5 line 34 and column 6 lines 12-32);
- c) wherein when inserted into the processing device, the installation and/or execution software, security software, and browsing tools and/or transaction tools

are implemented to process a transaction upon receipt of required personal information including at least one of an account number and security information (column 4 line 63 – column 5 line 34 and column 6 lines 12-32).

As to claim 25, Chen teaches at least some of the personal information is stored on the optically encoded card in an alternative location (column 4 lines 63-66 and column 6 lines 51-57).

As to claim 26, Chen teaches the alternative location comprises at least one of a magnetic stripe and a smart chip (column 4 line 63 – column 5 line 34).

As to claim 27, Chen teaches t at least some of the personal information is input by the user (column 4 line 63 – column 5 line 11).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al., US 5,590,197 in view of Hoguta et al., US 6,725,303 B1.

As to claims 2-3, Chen teaches the personal information comprises whatever information is needed by the account server to authorize a transaction, and any other information which might be needed during the payment and authentication process (column 5 lines 42-44 and column 6 lines 13-19). Chen does not explicitly teach the personal information comprises credit account number, billing information and shipping

information. However, Hoguta teaches an optical card carrier stores user profile on it, and the user profile comprises credit account number, billing information and shipping information (column 3 lines 1-5, 16-20 and column 13 lines 10-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the personal information in Chen's teaching to include credit account number, billing information and shipping information as taught by Hoguta for quickly complete the transaction process.

8. Claims 12, 16-18, 22-23 and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al., US 5,590,197 in view of Duroj, US 2002/0167890 A2.

As to claims 12 and 18, Chen teaches an optically encoded personal information carrier comprising (column 6 lines 12-19):

- a) a card readable in an optical input/output device (column 5 lines 30-34 and column 6 lines 25-27);
- b) optically encoded information on the card, the optically encoded information comprising personal information including an account number, installation and/or execution software, security software, browsing tools, and transaction tools for allowing the user to complete a transaction (column 4 lines 14-21, 46-50 and column 4 line 63 – column 5 line 34 and column 6 lines 12-32),
- c) wherein when inserted into the optical input/output device, a processing unit associated with the optical input/output device implements the installation and/or execution software, security software, browsing tools and the transaction tools

(column 4 lines 14-21, 46-50 and column 4 line 63 – column 5 line 34 and column 6 lines 12-57).

Chen does not specifically teach the card comprising a plate and a hub around the axis of rotation of the card. However, Duroj teaches a storage card comprising a plate and a hub around the axis of rotation of the card (Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the card in Chen's teaching to be modified so that the card comprises a plate and hub around the axis of rotation of the card for providing variety types of card better suit the customers' needs.

As to claims 16 and 22, Chen teaches a securing mechanism on a side of the card in contact with the optical input/output device, the securing mechanism for securing the card in the optical input/output device (column 5 lines 20-34 and column 6 lines 21-27).

As to claims 17 and 23, Chen teaches an intermediate support assembly for supporting the card within the optical input/output device, the intermediate support assembly having a securing mechanism for attachment with the optical input/output device (column 5 lines 30-34 and column 6 lines 25-27).

Claims 42-45 are in parallel with claims 12 and 16-17; thus, they are rejected on the same basis.

9. Claims 13-15 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al., US 5,590,197 in view of Duroj, US 2002/0167890 A2, in further view of Hoguta et al., US 6,725,303 B1.

As to claims 13-14 and 19-20, Chen modified by Duroj teaches the personal information comprises whatever information is needed by the account server to authorize a transaction, and any other information which might be needed during the payment and authentication process (Chen: column 5 lines 42-44 and column 6 lines 13-19). Chen and Duroj does not explicitly teach the personal information comprises credit account number, billing information and shipping information. However, Hoguta teaches an optical card carrier stores user profile on it, and the user profile comprises credit account number, billing information and shipping information (column 3 lines 1-5, 16-20 and column 13 lines 10-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the personal information in teachings of Chen modified by Duroj to include credit account number, billing information and shipping information as taught by Hoguta for quickly complete the transaction process.

As to claims 15 and 21, Chen teaches the personal information further comprises optically encoded security information (column 6 lines 28-57 and Fig. 1).

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(571) 273-8300	(Official Communications; including After Final Communications labeled "BOX AF")
(571) 273-6705	(Draft Communications)

Mary Cheung
May 17, 2007



**MARY D. CHEUNG
PRIMARY EXAMINER**